

## **REMARKS**

The Applicant acknowledges the allowance of claims 1-15, 19-25, 28-38, and 44-54.

The Applicant also acknowledges the indication that claims 40-43 recite allowable subject matter. These claims depend from independent claim 39 which the Applicant submits to be in condition for allowance. The Applicant thus submits that claims 40-43 are also in condition for allowance.

The Applicant appreciates the Examiner's careful reading of the specification and drawings. The Applicant has submitted new formal drawings that correct the error cited in Fig. 2 by the Examiner. The Applicant has also corrected paragraphs of the specification to correct the errors cited by the Examiner. With respect to page 10, the Applicant does not find where the tag assembly is denoted by both reference characters 30 and 70. The Applicant finds that the tag assembly is denoted by the numeral 70 and that the encapsulated tag is indicated by the number 30. The Applicant thus submits that the specification is now in full compliance with § 112.

In paragraph one of the Office Action, the Examiner indicates that the indication of allowability of claims 26, 27, and 39 has been withdrawn in view of the discovery of new prior art. The Applicant respectfully traverses the identification of the three references cited on form PTO-892 as "new prior art." The references cited on PTO-892 have been part of the file history of this application through its claim of priority to its parent applications. See MPEP § 609I(A)(2). The Applicant recognizes that the identity of the Examiner has changed. The Applicant invites the Examiner to carefully review all of the references cited in the parent patents.

The Examiner rejected claims 16-18, 26, 27, and 39 as being anticipated by 5,573,610 to Koch. The Applicant respectfully traverses the rejection but has amended claim 16 and 27 to change to word "mounted" to the word "connected." The Applicant understands the Examiner's reading of claims 16 and 27 to encompass the pocket arrangement of Koch '610. The Examiner states that a

monitoring device inserted through the slit is considered to be mounted to the substrate. Although the Applicant respectfully submits that the term "mounted" means that something is "fixed," the Applicant has amended claims 16 and 27 to more clearly recite that the electronic monitoring device is removably and reattachably connected to the substrate. A connection requires two parts to be bound or fastened together, joined or united, or linked. The Applicant submits that the monitoring device of Koch '610 is loosely associated with the substrate but that no connection exists between the two elements. The Applicant thus submits that claims 16, 27, and 39 are patentable over the art.

The Applicant has amended claim 26 to be in its original dependent form and submits that it is patentable based on the patentability of its preceding claims.

The Applicant has added new claims 55-60 and respectfully requests that these claims be examined. Claims 55-60 are similar to allowed claims 48-54 without reciting "means plus function" language in claim 48.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims. Please call the undersigned attorney if any questions remain after this amendment.

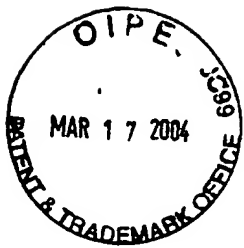
Respectfully submitted at Canton, Ohio this 5<sup>th</sup> day of March, 2004.

SAND & SEBOLT

A handwritten signature in black ink, appearing to read "Fred H. Zollinger, III", with a long horizontal flourish extending to the right.

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**CERTIFICATE OF MAILING**

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Karina A. Butler

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